



CITY OF MEMPHIS

COUNCIL AGENDA

July 5, 2016

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 21, 2016)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Ian Clark for a record breaking season as a player with the Golden State Warriors. This resolution is sponsored by Councilwoman Swearengen. (Held from 6/21)

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION congratulating Matt Ross-Spang for earning a 2016 Grammy Award. This resolution is sponsored by Councilman Jones.

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION honoring the life of the late Ms. Betty Anderson, champion for the disabled. This resolution is sponsored by Councilman Brown.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

4. RESOLUTION approving a planned development located on the northwest quadrant of I-40 and Hollywood, containing 20.82 acres, vacant land in the Commercial Mixed-Use-3(CMU-3) zoning district. This resolution is sponsored by the Office of Planning & Development. (Held from 03/01; 4/19; 5/3).

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. PD 16-01

Applicant: Patel Manherlal T Living Trust/Hospitality Builders of America, Inc.
Scot Woodard – Representative

Request: Planned development in North Memphis to allow uses of
convenience store with gas pumps, hotel, retail, restaurant with
drive-thru lane and truck washing

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES WERE MAILED ON FEBRUARY 19, 2016

5. RESOLUTION approving a street/alley closure located on Coughlin Drive between Brooks Road and Stonebrook Avenue, containing 2.058 acres in the Employment (EMP) District. This resolution is sponsored by the Office of Planning & Development. (Held from 4/15;5/20;10/7;10/21;11/18;12/16;1/20;3/17;4/21;7;21;10/6; 4/5; 5/3; 5/17)

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. SAC 13-605

Applicant: City of Memphis Engineering Division
Bill Wood, Pickering Firm – Representative

Request: Close and vacate a portion of Coughlin Drive Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES WERE MAILED ON MARCH 6, 2015

DIVISION OF PLANNING AND DEVELOPMENT

6. RESOLUTION approving a hotel/motel waiver for EAS Graceland, LLC D/B/A: Magnuson Grand Memphis Airport, located at 1471 E. Brooks Road. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. HMW 16-06

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a special use permit located at 1780 Bartlett Road, containing .984 acre in the Commercial Mixed Use (CMU-3) District. This resolution is sponsored by the Office of Planning & Development.

Colvett
Chairman,
Planning &
Zoning Committee

Case No. SUP 16-07

Applicant: Mr. Nihal Khwaja
David Bray, The Bray Firm – Representative

Request: To allow a used auto sales establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

8. ORDINANCE rezoning 480 W. Brooks Road (North side of W. Brooks Road; +/-107.60 feet east of Ford Road), containing 0.22 acre (9,583.20 sq. ft.), in the Residential Single Family (R-6) District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Colvett
Chairman,
Planning &
Zoning
Committee

Case No. Z 16-02
Ordinance No. 5621

Applicants: Ernest C. Withers, Sr. Family
Andrew Rome Withers – Representative

Request: Residential Single Family Historic (R-6[H]) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

20 NOTICES WERE MAILED ON JUNE 24, 2016



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

9. **REFERENDUM ORDINANCE** amending Article 65, Section 691 and 693 of the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1979, Pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment relative to distribution of payments in Lieu of Taxes by MLGW to the City of Memphis, up for S E C O N D reading. Ordinance No. 5622 is sponsored by Councilman Ford.

Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of The Charter of the City of Memphis same being Chapter 11 of the Acts of 1879, Pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require that All Employees must live and maintain a Residence within the boundaries of the City of Memphis, Tennessee, up for S E C O N D reading. Ordinance No. 5623 is sponsored by Councilman Jones.

Conrad
Chairman,
Executive
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to amend the Council Meeting dates for August 2016 only, from the first and third Tuesday to the second and fourth Tuesday in August, up for S E C O N D reading. Ordinance No. 5624 is sponsored by Councilman Ford.

Conrad
Chairman,
Executive
Committee

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

12. RESOLUTION for ANGEL GREEN P.D., and authorizing release of bond.
Case No. PD 14-305
(Contract No. CR-5221)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of I-240 and Shady Grove Rd. The standard improvement contract was approved on January 6, 2015. Resolution also authorizes the release of the letter of credit in the amount of \$80,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of UNIVERSITY OF MEMPHIS PEDESTRIAN RAILROAD CROSSING.

Contract No. CR-5238

Resolution approves the final plat located on both sides of Southern Avenue, between Patterson Street and Normal. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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FISCAL CONSENT AGENDA

14. RESOLUTION accepting and appropriating grant funds in the amount of \$1,000.00 from Archer Daniels Midland Company (ADM Cares). This resolution is sponsored by Morgan, Chairman, Fire Services.
Public Safety &
Homeland Security
Committee
- ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11878, Liebert UPS Service Agreement, to Emerson Network Power, Incorporated, in the funded amount of \$116,125.00.
16. RESOLUTION awarding a contract to Heath Consultants, Inc., for Gas Measurement Instruments (GMI) first responder 3-gas detectors, in the amount of \$83,520.00.
17. RESOLUTION approving Change No. 2 to Contract No. 11453, Voice and Data Services, with AT&T, Incorporated, in the funded amount of \$185,500.00. (This change is to extend the current contract for seven months for the period covering July 12, 2016 through February 11, 2017. This extension is needed to allow time for MLGW to rebid the contract.)
18. RESOLUTION awarding a contract to IAC Supply Solutions, Inc., for a control system control panel, in the amount of \$231,439.54.
19. RESOLUTION awarding a contract to Eco-Tech, Inc., d/b/a DeZurik, for butterfly valves and electric actuators, in the amount of \$134,388.00.
20. RESOLUTION awarding a contract to WESCO, for paper insulated lead covered medium voltage power cable, in the amount of \$85,987.00.
21. RESOLUTION awarding Contract No. 11879, Corporate E-Mail Replacement, to Venture Technologies, Incorporated, in the funded amount of \$159,373.08.
22. RESOLUTION awarding a contract to Thomas Consultants, Inc., for VMWare software renewal, in the amount of \$50,584.48.
23. RESOLUTION awarding a contract to PCM Sales, Inc., for Red Hat Software renewal and support, in the amount of \$67,188.05.
24. RESOLUTION awarding a contract to Mythics, Inc., for Data Management Project Software, in the amount of \$1,683,247.84.
25. RESOLUTION awarding a contract to LANE Telecommunications, Inc., for upgrade to the LANE Passport electronic faxing software, in the amount of \$7,817.00.
26. RESOLUTION awarding a Contract No. 11874, courier services, to Express Courier International, Incorporated, in the funded amount of \$145,361.36.



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REGULAR AGENDA

27.

Spinosa

Chairman,

Personnel,

Intergovern-
mental &

Annexation
Committee

APPOINTMENTS

ALCOHOL COMMISSION

Appointment

Steven Reid

CIVILIAN LAW ENFORCEMENT REVIEW BOARD

Appointment

Dwan Gilliom

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

Appointments

Tyree Daniels

Hardy Farrow

Mary Wu

Reappointments

Shelley Baur

Judith Black Moore

David Schuermann

MEMPHIS. LIGHT, GAS, & WATER COMMISSION

Appointment

Mitch Graves

MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER BOARD

Reappointments

Dr. Alfred L. Hall
Rev. Brian Henderson
Dr. Robert Lemoyne Robinson

GENERAL ORDINANCES – THIRD AND FINAL READING

28. **ORDINANCE** designating and approving various uses and purposes for the City's Park, known as Overton Park pursuant to Section 579.1 of the Charter and to ratify the March 1, 2016 Memphis City Council resolution designating and approving various uses and purposes for the City's Park, known as Overton Park as modified by this Ordinance Nunc Pro Tunc to the effective date of resolution, up for T H I R D and F I N A L reading. Ordinance No. 5618 is sponsored by Chairman Conrad. (Held from 5/17)

Conrad
Chairman,
Executive
Session

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Ordinance No. 5586, regarding the Citizen's Law Enforcement Review Board, to conform with State and Municipal Law regarding open meetings and subpoena powers, and for other general matters, up for T H I R D and F I N A L reading. Ordinance No. 5620 is sponsored by Councilman Morgan.

Morgan
Chairman,
Public Safety
& Homeland
Security

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

30. **RESOLUTION** appropriating GO Bonds in the amount of \$59,697.00 to replace wooden poles and sirens at 3960 Sewanee and 2643 Roland Road. This resolution is sponsored by Fire Services.

Morgan
Chairman,
Public Safety &
Homeland
Security Committee

ACTION REQUESTED: Adopt the resolution

31. **RESOLUTION** accepting and appropriating funds from the State of Tennessee for 2015 Fire In-Service Training in the amount of \$761,400.00. This resolution is sponsored by Fire Services.

Morgan
Chairman,
Public Safety &
Homeland

ACTION REQUESTED: Adopt the resolution

Security Committee

32. RESOLUTION accepting an all hazards response barge with an estimated value of \$1,607,178.00, from Inland Rivers Ports and Terminals, LLC. This resolution is sponsored by Fire Services.

Morgan
Chairman,
Public Safety &
Homeland
Security Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION

33. RESOLUTION to approve the Master Resolution in connection with the Gas System Revenue Bonds. This resolution replaces a Master Gas Resolution dating from 1984. This resolution updates language and parallels the existing Electric and Water Master Resolutions. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the resolution

34. FIRST SUPPLEMENTAL RESOLUTION for the 2016 Gas Bond issue under the new Master Bond Resolution, which calls for an issuance of, not to exceed, \$40,000,000.00 of gas bonds to be issued in 2016. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the resolution

35. SECOND SUPPLEMENTAL RESOLUTION for the 2016 Water System Revenue Obligations Master Resolution, adopted by the MLGW Board of Commissioners on December 5, 2013 and the City Council on December 17, 2013. Second Supplemental Resolution is authorizing the issuance and sale of, not to exceed, \$30,000,000.00. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the resolution

36. SIXTH SUPPLEMENTAL RESOLUTION for the 2016 Electric Bond Issue under the Electric Master Bond Resolution. This Supplemental Resolution calls for an issuance of, not to exceed, \$40,000,000.00. This resolution is sponsored by Memphis Light, Gas & Water Division.

Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION allowing for early Redemption of the remaining balance of the Series 2003A Bonds, with a remaining aggregate principal balance of \$4,170,000.00. Without early redemption part of the bonds would mature at December, 2017 and the remaining at December, 2018. Early redemption will result in saving approximately \$300,000.00 in interest cost. This resolution is sponsored by Memphis Light, Gas & Water Division.
- Robinson
Chairman,
MLGW
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

38. RESOLUTION accepting grant funds in the amount of \$899,999.00 for the Domestic Violence-Offender Intervention Grant through the State of Tennessee, Office of Criminal Justice Programs. This resolution is sponsored by Police Services.
Morgan
Chairman,
Public Safety
& Homeland
Security Committee
ACTION REQUESTED: Adopt the resolution
39. RESOLUTION accepting (5) SkyCop Camera Solutions, compatible with existing MPD equipment, to be installed at Hillview Village Apartment, 2119 E. Alcy Rd., Memphis, TN. 38134, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$35,687.36. This resolution is sponsored by Police Services.
Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
ACTION REQUESTED: Adopt the resolution
40. RESOLUTION accepting (1) SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at Fairwood Lane, Memphis, TN., 38117, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$17,939.06. This resolution is sponsored by Police Services.
Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
ACTION REQUESTED: Adopt the resolution
41. RESOLUTION accepting (1) SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at Pleasant View near Crestview, Memphis, TN. 38134. Wayne Ashford who lives on Crestview gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$7,206.36. This resolution is sponsored by Police Services.
Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
ACTION REQUESTED: Adopt the resolution
42. RESOLUTION accepting the grant renewal and the amendment of the Fiscal Year 2016 Operating Budget, the Revenues and Expenditures for this Continuum of Care formerly Shelter Plus Care program in the amount of \$214,599.00. This resolution is sponsored by the Division of Housing and Community Development Special Needs Department.
Brown
Chairman,
Housing &
Community
Development
Committee
ACTION REQUESTED: Adopt the resolution
43. RESOLUTION accepting the grant renewal and the amendment of the Fiscal Year 2016 Operating Budget, revenues and expenditures for this Continuum of Care formerly Shelter Plus Care program in the amount of \$144,653.00. This resolution is sponsored by the Division of Housing and Community Development Special Needs Department.
Brown
Chairman,
Housing &
Community

ADD-ONS CONT.

Development
Committee ACTION REQUESTED: Adopt the resolution

44. RESOLUTION supporting the induction of Billy Jack Murphy into the College
Conrad Football Hall of Fame. This resolution is sponsored by Councilman Morgan.

Chairman,
Executive ACTION REQUESTED: Adopt the resolution
Session

45. RESOLUTION in support of the ‘Urban Oasis’ project guided by The New Olivet
Conrad Baptist Church. This resolution is sponsored by Councilman Spinosa.

Chairman,
Executive ACTION REQUESTED: Adopt the resolution
Session

46. RESOLUTION establishing a Moratorium in the Pinch District for 90 days. This
Colvett resolution is sponsored by Councilman Boyd.

Chairman,
Planning & ACTION REQUESTED: Adopt the resolution
Zoning Committee

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Dropped
5. Held until August 9, 2016
6. Through 27 – Approved
28. Held until July 19, 2016
29. Held until August 9, 2016
30. Through 46 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF JUNE 21, 2016 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #38, #39, #40, #41, #42, #43, #44, #45 & #46 from tonight’s Meeting

Approved